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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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TIV, BACKHEAN

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/007,129

Applicant(s)

EISENBERG, ALFRED

Examiner

Backhean Tiv

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **Detailed Action**

Claims 1-54 are pending in this application. Claims 1,9,17-19,28,36,44-46 have been amended. This is a response to the amendment filed on 7/22/05.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,9-14,17-24,27-33,36-41,44-51,54 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,564,261 issued to Gudjonsson et al.(Gudjonsson ) in view of US Patent 5,793,365 issued to Tang et al.(Tang).

As per claim 1, 28, Gudjonsson teaches a system which two client nodes adapted to communicate with one another via a video conference utility(col.7, lines 42-51); a second server for supporting a video conference between video conference participants using the at least two client nodes(col.7, lines 42-51); and a video conference resource allocator, communicatively coupled to said instant messaging server and said second server, said video conference resource allocator adapted to allocate video conference resources in said second server in response to a request for a video conference from said instant messaging server(col.7, lines 42-51; it is implicit that there is a resource allocator because the server must be able to have enough memory or resources in order for two user to have a video conference), such that a video the at least two client nodes, and further adapted to

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communicate to the at least two client nodes, via said instant message server, resource information enabling the at least two client nodes to join the video conference(col.7, lines 42-51).

Gudjonsson however does not explicitly teach a system which may be used with at least two client nodes which are adapted to communicate with one another via an instant messaging utility; an instant messaging server for supporting instant messages between the at least two client nodes.

Tang teaches a system which may be used with at least two client nodes which are adapted to communicate with one another via an instant messaging utility(Abstract, col.3, lines 59-67); an instant messaging server for supporting instant messages between the at least two client nodes(col.3, lines 59-67).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Gudjonsson to explicitly use a chat server as taught by Tang in order to provide text communication between two users.

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Gudjonsson and Tang to provide a system for a user to communicate with text, video, and audio(Tang, Fig.11)

As per claim 2,10,20,29,37,47, wherein at least one of the video conference participants participates in the video conference via the public switched telephone network (PSTN)(Gudjonsson, col.7, line 42).

As per claim 3, 11, 21,30,38, 48, wherein at least one of the video conference participants participates in the video conference via cellular communication(Gudjonsson, col.3, line 53-54).

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As per claim 4, 12,22, 31, 39, 49, wherein at least one of the video conference participants participates in the video conference via a computer(Gudjonsson, col.3, line 57).

As per claim 5,13,23,32,40,50, wherein at least one of the video conference participants participates in the video conference via a network gateway(Gudjonsson, Fig.1-6).

As per claim 6,14,24,33,41,51, wherein at least one of the video conference participants participates in the video conference via a video conferencing standard protocol(Gudjonsson, col.7, line 60).

As per claim 9,19,36,46, wherein the instant messaging server contains information related to communication modes of the client nodes used to participate in the video conference(Gudjonsson, col.7, lines 35-67, Tang, col.9, lines 22-37). Motivation to combine set forth in claim 1.

As per claim 17,44, further comprising a database communicatively coupled to said instant messaging server for storing information related to the client nodes used to initiate the video conference(Gudjonsson, col.7, lines 35-67, Tang, Fig.10). Motivation to combine set forth in claim 1.

As per claim 18,45, wherein the instant messaging server receives the information from the data base(Gudjonsson, col.7, lines 35-67, Tang, Fig.10). Motivation to combine set forth in claim 1.

As per claim 27, 54, wherein the second server is a network video conferencing server which supports video conferences using a network video conferencing protocol(Gudjonsson, col.7, line 60).

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Claims 7,8,15,16,25,26,34,35,42,43,52,53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,564,261 issued to Gudjonsson et al.(Gudjonsson ) in view of US Patent 5,793,365 issued to Tang et al.(Tang) in further view of US Patent 6,640,239 issued to Gidwani.

Gudjonsson in view of Tang teaches all the limitations of claim 1, 28, however does not explicitly teach as per claim 7,8,15,16,25,26,34,35,42,43,52,53 wherein at least one of the video conference participants participates in the video conference via an ISDN standard protocol and ATM standard protocol.

Gidwani teaches using ISDN and ATM stand protocol(col.28, lines 14-64).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Gudjonsson in view of Tang to use ISDN and ATM standard protocol as taught by Gidwani in order to use different protocol for communication. One ordinary skill in the art would have been motivated to combine the teachings of Gudjonsson, Tang and Gidwani in order to provide a system where one is not limited to the use of one specific type of protocol for communication.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

US Patent 6,466,252 issued to Miyazaki

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BT

Backhean Tiv

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10/5/05

  
ZARNI MAUNG  
SUPERVISORY PATENT EXAMINER